

THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Appl. No. : 09/744,035 Confirmation No.: 3031
Appellants : BAKI GYOZO
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TC/A.U. : 3753
Examiner : FOX, JOHN C.

Docket No. : 01-117
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RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF
UNDER 37 C.F.R. §41.37(c)(1)(v)

SIR:

In response to the Notification of Non-Compliant Appeal Brief under 37 C.F.R. §41.37 dated October 10, 2007, having a shortened statutory period for reply set to expire on November 10, 2007, which falls on a Saturday and the United States Patent Office observance of Veteran's Day on Monday, November 12, 2007, that is extended to Tuesday, November 13, 2007, under 37 C.F.R. §1.7, Appellant submits a concise explanation of all independent claims, referring to the specification by page and line numbers as needed, in compliance with 37 C.F.R. §41.37(c)(1)(v).

SUMMARY OF CLAIMED SUBJECT MATTER

In one aspect of the present disclosure, a valve battery cartridge used for mixing cold water and warm water, broadly comprises two discs (5,6) arranged one above the other to form a plane sealing together (specification, page 4, line 23-page 5, line 17; page 7, lines 9-15; Fig. 1) wherein the lower disc (6) is a stationary inlet disc and the upper disc (5) is a control disc which is displaceable and rotatable on the inlet disc (Id.); where the control disc (5) is in mechanical connection with a driving arm (1) pivoted in a lever holder (2) through a ceramic moving element (4) (Id., page 4, line 23-page 5, line 17; page 7, lines 5-9; Fig. 1), the lever holder (2) is rotatably arranged in a cartridge casing (3), the base (9) of the cartridge casing (3) is formed with a connection element (14) for receiving an interchangeable insertion piece (10) selected from at least three different insertion pieces (Id., page 4, line 23-page 5, line 22; page 7, lines 2-9, 12-21; page 8, lines 3-8; page 8, line 19-page 9, line 2; and Figs. 2 and 3), wherein an opening for receiving any of the interchangeable insertion pieces in the connection element is formed in a direction which is substantially parallel with a longitudinal axis of the cartridge (Id., page 4, line 23-page 5, line 17; page 8, line 19-page 9, line 20; and Figs 5-7), wherein the connection element (14) in the base (9) of the cartridge casing (3) receives any of the interchangeable insertion piece (10) which enables connection between connection ducts (13) in a valve battery body (12) and inlet openings (Id.), and wherein a

longitudinal axis of the interchangeable insertion pieces is substantially parallel to the longitudinal axis of the cartridge in the base (9) and the base (9) is provided with seal means (11) insulating the connection element from an inner space of the valve battery body (12) (Id., page 4, line 23-page 5, line 17; page 9, lines 16-20; and Figs. 4-7).

In another aspect of the present disclosure, a battery cartridge for use in a battery body (12) for mixing cold and warm water broadly comprising two discs (5,6) arranged one above the other and together forming a planar seal (specification, page 4, line 23-page 5, line 17), broadly comprising a fixed inlet disc (6) and a control disc (5) which is displaceable and rotatable on the inlet disc (6) (Id., page 4, line 23-page 5, line 17; page 7, lines 9-15, and Fig. 1), the control disc (5) comprising a movement lever (1) rotatably mounted in a lever holder (2) and being mechanically connected via a ceramic drive (4) (Id., page 4, line 23-page 5, line 17; page 7, lines 5-9; and Fig. 1), the lever holder (2) being rotatably arranged in a cartridge housing (3) at a lower part (9) of the cartridge housing (3) at a side opposing the inlet disc (6) and facing the battery body (12) (Id., page 4, line 23-page 5, line 22; page 7, lines 2-9, 12-21; page 8, lines 3-8; page 8, line 19-page 9, line 2; and Figs. 2 and 3), a connecting element (14), of which inlet apertures substantially extend in a longitudinal direction of the cartridge housing (3) (Id., page 4, line 23-page 5, line 17; page 8, line 19-page 9, line 2; and Figs. 5-7), and a replaceable insert (10)

selected from at least three different replaceable inserts being arranged in a sealed manner in the connecting element (14) between connecting passages (13) constructed in the battery body (12) and the inlet apertures of the lower part (9) (Id., page 4, line 23-page 5, line 22; page 8, lines 3-8; page 8, line 19-page 9, line 20; and Figs. 1 and 5-7), wherein the connecting element (14) encompasses the inlet apertures provided in the lower part (9) of the cartridge housing (3), and the inlet apertures are sealed from one another by any of the replaceable inserts (Id., page 7, lines 12-15; page 8, line 19-page 9 line 2; page 9, lines 16-20).

In yet another aspect of the present disclosure, a valve battery cartridge used for mixing cold water and warm water, broadly comprises two discs (5,6) arranged one above the other to form a plane sealing together (specification, page 4, line 23-page 5, line 17; page 7, lines 9-15; and Fig. 1), wherein the lower disc (6) is a stationary inlet disc and the upper disc (5) is a control disc which is displaceable and rotatable on the inlet disc (Id.); where the control disc (5) is in mechanical connection with a driving arm (1) pivoted in a lever holder (2) through a ceramic moving element (4) (Id., page 4, line 23-page 5, line 17; page 7, lines 5-9; and Fig. 1), the lever holder (2) is rotatably arranged in a cartridge casing (3), the base (9) of the cartridge casing (3) is formed with a connection element (14) for selectively receiving different interchangeable insertion pieces (10) selected from at least three insertion pieces (Id., page 4, line 23-page 5,

line 22; page 7, lines 2-9, 12-21; page 8, lines 3-8; page 8, line 19-page 9, line 2; and Figs. 2-3), wherein an opening for receiving any of the interchangeable insertion pieces in the connection element is formed in a direction which is substantially parallel with a longitudinal axis of the cartridge (Id., page 4, line 23-page 5, line 17; page 8, line 19-page 9, line 20; and Figs. 5-7), wherein the connection element (14) in the base (9) of the cartridge casing (3) receives any of the selected interchangeable insertion pieces (10) which enables connection between connection ducts (13) in a valve battery body (12) and inlet openings (Id.), and wherein a longitudinal axis of all of the interchangeable insertion pieces is substantially parallel to the longitudinal axis of the selected cartridge in the base (9) and the base (9) is provided with seal means (11) insulating the connection element from an inner space of the valve battery body (12) (Id., page 4, line 23-page 5, line 17; page 9, lines 16-20; and Figs. 4-7).

In still yet another aspect of the present disclosure, a battery cartridge for use in a battery body (12) for mixing cold and warm water broadly comprising two discs (5,6) arranged one above the other and together forming a planar seal (specification, page 4, line 23-page 5, line 17), broadly comprising a fixed inlet disc (6) and a control disc (5) which is displaceable and rotatable on the inlet disc (6) (Id., page 4, line 23-page 5, line 17, page 7, lines 9-15; and Fig. 1), the control disc (5) comprising a movement lever (1) rotatably mounted in a lever holder

(2) and being mechanically connected via a ceramic drive (4) (Id., page 4, line 23-page 5, line 17; page 7, lines 5-9; and Fig. 1), the lever holder (2) being rotatably arranged in a cartridge housing (3) at a lower part (9) of the cartridge housing (3) at a side opposing the inlet disc (6) and facing the battery body (12) (Id., page 4, line 23-page 5, line 22; page 7, lines 2-9, 12-21; page 8, lines 3-8; page 8, line 19-page 9, line 2; and Figs. 2 and 3), a connecting element (14), of which inlet apertures substantially extend in a longitudinal direction of the cartridge housing (3) (Id., page 4, line 23-page 5, line 17; page 8, line 19-page 9, line 2; and Figs. 5-7), and a selected replaceable insert (10) being arranged in a sealed manner in the connecting element (14) between connecting passages (13) constructed in the battery body (12) and the inlet apertures of the lower part (9) (Id., page 4, line 23-page 5, line 22; page 8, lines 3-8; page 8, line 19-page 9, line 20; and Figs. 1 and 5-7), wherein the selected replaceable insert comprises an insert selected from at least three inserts of different functions which are interchangeable with the connecting element to provide different functions for the battery cartridge wherein the connecting element (14) encompasses the inlet apertures provided in the lower part (9) of the cartridge housing (3), and the inlet apertures are sealed from one another by any of the three replaceable inserts (Id., page 7, lines 12-15; page 8, line 19-page 9, line 2; page 9, lines 16-20).

CONCLUSION

An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place the appeal brief in condition for consideration by the Board of Patent Appeals and Interferences. If the Patent Appeals Specialist has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the Patent Appeals Specialist is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

If any fees are required in connection with this case, it is respectfully requested that they also be charged to Deposit Account No. 02-0184.

Respectfully submitted,

BAKI GYOZO

By /Ross J. Christie #47492/
Ross J. Christie
Attorney for Appellant
Reg. No. 47,492
Tel. (203) 777-6628 x. 116
Fax. (203) 865-0297

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